

**Town of Bethany Beach
Planning Commission Minutes
October 18, 2014**

The Bethany Beach Planning Commission held a meeting on October 18, 2014 at 9:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, Chairman, who presided; Mike Boswell; Diane Fogash; John Gaughan; Fulton Loppatto; and Jerry Morris.

Also present: Building Inspector, Susan Frederick; and interested members of the public.

OPENING OF MEETING

Mr. Killmer called the meeting to order at 8:55 a.m.

Approval of Agenda

Mr. Boswell made a motion to approve the agenda. The motion was seconded by Mr. Morris and unanimously approved.

There was a discussion on reciting the Pledge of Allegiance in all future meetings. All of the commissioners agreed.

Discussion/Approval of the Planning Commission Minutes of September 20, 2014

Mr. Morris made a motion to approve the minutes dated September 20, 2014 as amended. The motion was seconded by Ms. Fogash and unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Killmer)

Mr. Killmer reported the following:

The next Non-Residential Design Review Committee meeting will be held on October 24, 2014 with the applicant requesting a new wall sign for a new business called "Bicycle Connection."

Comments/Updates Regarding the October Town Council Meeting

Mr. Killmer reported the following:

The Town Council reviewed all of the Town's committee guidelines and also supported the Planning Commission's request to add the Commercial Lodging District (CL-1) to the Bethany Beach Non-Residential Design Guidelines.

Town Council also reviewed and appointed all the Committee Chairs as follows: Audit Committee: Mr. Patrick Sheplee; Budget and Finance Committee: Mr. Jerry Dorfman; Charter

and Ordinance Review Committee: Mr. Chuck Peterson; Cultural and Historic Affairs Committee: Ms. Carol Olmstead; Fourth of July Parade Committee: Mr. Bruce Frye; and Non-Residential Design Review Committee: Mr. Lew Killmer.

Other changes have been made to a number of committees. The Board of Adjustment (BoA) lost Mr. Bruce Frye once he was appointed to Town Council. Mr. Doug Mowrey will be replacing him on the BoA. Ms. Faith Denault was the Planning Commission's representative on the Non-Residential Design Review Committee (NRDRC), but she has since moved out of Bethany Beach. Mayor Jack Gordon has appointed Mr. Jerry Morris to replace Ms. Denault for the remaining time of her term on the NDRDRC.

The Town has bought a couple of new cars for the Bethany Beach Police Department. In the summer of 2013, a relatively new police car caught on fire in front of Saint Ann's Church while the officer was directing traffic. Everything was destroyed in the car as well since the fire caused the doors to lock. The Town's insurance covered the cost for the new replacement. For the second car purchased, Sussex County gave Bethany Beach a \$25,000 grant to replace a high mileage police car.

Mr. Killmer added some other pertinent information that was discussed during the Town Council meeting.

- The Trolley carried 40,635 people this summer season, compared to last year's 37,813.
- This was a bonus year for the Parking Department. An amount of \$1.550 million was made in parking fees/fines; compared to twenty (20) years ago when the Parking Department made \$97,000.
- The Town of Smyrna listed for sale a Mobile Command Center as excess equipment that travelled only 200 miles, which when new cost ≈ \$82,000. The Town believed it would be beneficial to acquire this vehicle to be used as a mobile Town Hall after a disaster and was able to acquire it for \$10,000.
- The Town has purchased a Mobile Aerial Camera to take pictures of the Town to document adversity-affected areas of Town after a storm event, and it will also be used to take photos of various events held in Town. John Apple, the Town Code Enforcer, will be the trained operator of the device.

Comments, Q&A and Discussion for Planning Commissioner Members (All)

Ms. Frederick commented that Mr. Apple has been working with the Mobile Aerial Camera and it has been very amazing to see. The live video feed is hooked up to his phone and can be viewed and captured. The Town purchased the device based upon recommendations from a local company called Skyjack. TJ Redefer, owner of Skyjack and Rehoboth Bay Realty Co., started using the device to take pictures for his real estate listings and also began to take pictures of local events.

Mr. Gaughan added that October 17, 2014 was the 25th anniversary of the San Francisco earthquake. He stated that he was intimately familiar with the recovery effort in San Francisco. Because the World Series Game was that day, the blimp flying over the stadium was invaluable because it had a view that no other responders had. When the Town Council was discussing the

purchase of the drone, it reminded him of that incident and although Bethany Beach is only one (1) square mile, it was not a frivolous purchase but rather a thoughtful action.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

Tracy Mulligan, Bethany Beach resident, commented that, although the Bethany Beach Farmers Market had a sufficient number of volunteers, there was a need for additional Farm Market Board members and he requested that if anyone knew anyone who might be interested to please contact him.

NEW BUSINESS

A) Nominate and Elect a New Chairperson and Vice Chairperson for the 2014/2015 Planning Commission Term.

Mr. Boswell nominated Mr. Killmer to continue as Chairperson for the 2014/2015 Planning Commission Term. It was unanimously approved.

Mr. Gaughan commented that since Ms. Faith Denault was the Vice Chairperson of the Planning Commission, as well as the Planning Commission representative on the Non-Residential Design Review Committee, that he would like to have that continuity and nominated Mr. Morris as Vice Chairperson of the Planning Commission. It was unanimously approved.

B) Review and Possibly Vote to Amend and Update the Bethany Beach Non-Residential Design Guidelines to Include the Commercial Lodging District (CL-1).

It was decided that the Commissioners would go through the Non-Residential Design Guidelines page-by-page to discuss suggested changes. When discussion began, it was noted that the printed document was misformatted when copies were made. Throughout the document, suggested changes were found as: additional descriptions, the addition of the term Commercial Lodging District (CL-1), and the all numbers appearing in the NRDR guidelines were to be expressed in the following manner: the number in words followed by the number in parenthesis, by example: twenty (20). The following pages/sections were discussed with other suggested changes (found in red type):

Page iii:

The date will be changed to **December 2014** 'Guideline' will be removed and the abbreviation **NRDRC** will be added.

Jerry Morris will be added to the Committee members.

Page v:

NRDRC and **Basic Roof Forms** were added to the Contents

Page 1: Introduction

Last sentence in paragraph one was replaced with: ‘A lovely beach, a small well-lit boardwalk, friendly residents and property owners, and a charming architectural tradition best characterize Bethany Beach.’

The third paragraph was edited to add Commercial Lodging District (CL-1) and to better describe the commercial districts: ‘At the core of Bethany Beach are its two commercial districts as well as a Commercial Lodging District (CL-1).

The **Downtown Commercial District (C-1)** is an area of about three blocks along Garfield Parkway and Pennsylvania Avenue that extends from the boardwalk and ocean to Route 1. The Route 26 **Commercial Zoning District (C-2)** is about 1 mile inland, running for three blocks along Route 26. **The Commercial Lodging District (CL-1) is located on the north and south side of Hollywood Street between the Town’s boardwalk and Atlantic Avenue.** These three areas provide neighborhood commercial uses and recreation, including hotel suites, conference centers and meeting rooms, shops [...]

Mr. Morris suggested moving the newly suggested sentence description of CL-1 to the beginning of the paragraph rather than being in the middle. It was agreed upon all the Commissioners.

Official Zoning Map

The map used has been updated, but the map is distorted due to the formatting issues.

Town Review Process thru Appointment of Members

Throughout these sections, Design Review Committee (DRC) was revised to **Non-Residential Design Review Committee (NRDRC)**.

Mr. Boswell asked what the meaning of ‘and otherwise’ meant in section four (4). Mr. Killmer and Ms. Frederick explained that it is the requirements from other codes and agencies, such as: other Town committees, the office of the State Fire Marshall, DNREC, etc. After some discussion, it was agreed to change ‘and otherwise’ to ‘**other required approvals.**’

NRDRC Review Meetings

There was some discussion on section four (4) with the word ‘must.’ It was agreed upon the Commissioners to change the word to ‘shall.’

Facades: General Building Facades

Due to the building of the new hotel the following was amended under what is considered prohibited: Front or side street walls without window or door openings **unless required by the state fire marshal’s office.**

Flood Elevation

Mr. Gaughan asked whether the FEMA maps have changed and if they should amend them now that they are reviewing the document. Ms. Frederick explained that they will be changed in March 2015; it’s not something that gets constantly changed, and it would be easy to amend that section when the time comes. Mr. Killmer added that he would put the FEMA maps under “housekeeping issues” for a later Planning Commission meeting date.

Parking

The following was added to this section: ‘In the CL-1 Zoning District one on-site parking spot is required for each hotel room. Parking shall be provided as per Chapter §227 of the Town’s Zoning Code.’

Mr. Loppatto commented that this is the first time the Town would be having a commercial parking garage and asked if the garage was an open structure. Mr. Killmer and Ms. Frederick explained that the garage is considered open, but there will be a partial screening covering open areas. Mr. Killmer stated that the only real street visible portion of the parking garage is where the office of the Bethany Arms Hotel was located on South Atlantic Avenue.

Lighting

Mr. Boswell commented that the use of up lighting is prohibited in Town but he suggested adding language to the NRDR guidelines that excludes American flags.

Signage

The following was added under the requirement: ‘Provide signage as per chapter §530 “Signs” of the Town’s Zoning Code.’

It was agreed upon the Commissioners to eliminate the last few pages that included maps of the existing buildings in the C-1, C-2 and CL-1 zoning areas.

Mr. Gaughan noted that during the Town Council meeting there was discussion on changing their meeting date in November. He wanted to clarify if the Planning Commission meeting would be moved as well and Mr. Killmer stated that it would not be. It was confirmed that the next Planning Commission meeting will be held November 22, 2014.

The State has sent out a “boilerplate” ordinance regarding Storm Water Management and Flood Damage Prevention to all 57 municipalities and the three counties prior to FEMA issuing the new floodplain maps for each affected municipality and county government in March of 2015. It is critical for the Town to make sure that the Town’s ordinance complies with all FEMA regulations so that the Town can continue to qualify for subsidized flood insurance through the National Flood Insurance Program as well as receiving a 10% reduction by participating in the Community Rating System. Mr. Killmer is in the process of updating the Town’s Code to make sure that the Town is in full compliance with the State’s and FEMA’s guidelines.

Mr. Morris commented that the Budget and Finance Committee, as well as the Town Council, have been discussing who should be responsible in figuring out what the possible ramifications would be if the hotel violates the number of guests it has in the hotel. Mr. Killmer explained that in the Finance and Budget Committee Guidelines, it states that the committee reviews the annual fines and fees. He believes that the finance committee might be responsible for determining the fines and to make it such a point that no one would want to violate it. For example: a five hundred dollar (\$500) fine for a well off business will have no effect, compared to pulling the business’s license and having to go through an appeal process. The fine should be so great that a business would not even think about violating the rules set in place.

Mr. Gaughan wanted a clarification on how the hotel will be reporting its numbers to the Town Manager. Mr. Killmer explained that the Town Manager will receive a daily report, once a week. He added that during the off season, the south side of the hotel will shut down unless needed.

Before ending the meeting, Mr. Killmer stated that there may not be a Planning Commission meeting in December. The next item to approve for the hotel is the proposed signage, and there may be more discussion sometime in the future in regards to the Addy/Cooper property.

OLD BUSINESS

There was no old business.

SUMMARY OF ACTION ITEMS

- A. Accept all suggested changes to the Non Residential Design Guidelines.
- B. Add Mr. Jerry Morris onto the Non-Residential Design Review Committee, found on page iii.
- C. Placement of the sentence regarding the location of the Commercial Lodging District.
- D. Change the Town Review Process to describe that the Building Inspector can issue building permits only when all other required approvals are met.
- E. Amend the prohibited use of up lighting to allow that use only for American flags.
- F. Include the Pledge of Allegiance in all future Planning Commission meetings.

ADJOURN

Mr. Gaughan made a motion to adjourn the meeting. Mr. Boswell seconded the motion and it was unanimously approved. The meeting was adjourned at 10:40 a.m.

Respectfully Submitted:

Nathalie Fernandes
Administrative Assistant